

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KVON ROYALE SMITH,

Plaintiff,

v.

ORDER

12-cv-945-bbc

WI GOVERNMENT ACCOUNTABILITY
BOARD, DANE COUNTY SHERIFF'S OFFICE,
DON NEVIASER and
WISCONSIN BADGERS FOOTBALL,

Defendants.

Plaintiff Kvon Royale Smith has submitted a complaint under 42 U.S.C. § 1983. The court has already concluded that plaintiff may proceed in forma pauperis without prepaying any of the \$350 filing fee. The next step in the case is to screen the complaint under 28 U.S.C. § 1915 to determine whether any portion is legally frivolous, malicious, fails to state a claim upon which relief may be granted or asks for money damages from a defendant who by law cannot be sued for money damages. Plaintiff is a pro se litigant, which means that his complaint will be construed liberally as it is reviewed for these potential defects. Haines v. Kerner, 404 U.S. 519, 521 (1972). After examining plaintiff's complaint, I conclude that it must be dismissed as frivolous.

Plaintiff names seemingly disparate parties as defendants: the Wisconsin Government Accountability Board, the Dane County Sheriff's Office, Don Neviasher and the Wisconsin

Badgers football program. He fails to provide any specific allegations about what these parties have done to him to violate his rights, stating only the following: “Conspiracy to commit bankruptcy, violation of Privacy Act 1974, violation of Civil Rights Act 1964, Police reports 15 Dec. 12.” In his request for relief, plaintiff states “I want my money 989 billion-trillion. Equitable distribution. I believe in retribution, all involved deserve to be indicted, also my motion for discovery.”

Usually when the court receives a complaint so lacking in factual allegations, the plaintiff would be given a chance to submit an amended complaint explaining his claims more fully. However, plaintiff’s current filing is so fantastical, appearing to allege a conspiracy against actors that cannot possibly be related, that it can be safely dismissed as frivolous without further supplementation by plaintiff. See, e.g., Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (complaint lacks arguable basis in fact when plaintiff’s allegations “rise to the level of the irrational or the wholly incredible.”); Edwards v. Snyder, 478 F.3d 827, 829 (7th Cir. 2007) (complaint “is factually frivolous if its allegations are bizarre, irrational or incredible.”)

ORDER

IT IS ORDERED that the case is DISMISSED with prejudice. The clerk of court is directed to enter judgment for defendants and close this case.

Entered this 24th day of January, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge